

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/539,877)
Confirmation : 6327)
Applicants : MEYER et al.)
U.S. National Phase of)
PCT/EP2003/14029)
I.A. Filed : December 8, 2003)
Title: FIRE PROTECTION)
MEANS AND METHOD FOR THE)
PRODUCTION THEREOF)
Art Unit : Not yet assigned)
Examiner : Not yet assigned)
Atty Docket : 30882/SCG5205)
Customer No. : 04743)

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS AND PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition under the provisions of 37 C.F.R. §1.47(a) is submitted in response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on April 14, 2006.

The facts described below, attested to in the accompanying statement by Christine Davids, and evidenced in the documents attached thereto, show that named coinventor Paul Hendrikx is unavailable to execute the inventor's declaration for the above-identified patent application could not be reached after diligent effort.

“If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor.” 35 U.S.C. § 116.

The facts described below and in the accompanying documents show that the joint inventor Paul Hendrikx cannot be found or reached after diligent effort.

As described in the accompanying statement of Christine Davids and the exhibits thereto, named inventor Paul Hendrikx executed a power of attorney document and inventor’s declaration at the international stage (Appendix B to the Davids statement, in the German language, is equivalent to Form PCT/RO/101). Copies of the patent application and inventor’s declaration referring to the above-identified international patent application prepared by the undersigned’s law firm were first sent by Ms. Davids to co-inventor Villari as the patent manager at the assignee Scheuten Glasgroep to obtain the signatures of all inventors. However, Mr. Hendrix had left the employ of Scheuten Glasgroep, and Mr. Villari was not able to obtain his signature. Next, Ms. Davids sent copies of the patent application and inventor’s declaration referring to the above-identified international patent application prepared by the undersigned’s law firm to Mr. Hendrikx at his last known address (Mambostraat 88, NL-5802 LE Vaals, Netherlands). However, the letter was not picked up. Ms. Davids also tried sending the documents to the same street address in the town of Venray, and that letter came back from the postal service indicating that the residence was not inhabited. Ms. Davids also performed internet searches in the database of the Netherlands telephone service KPN (Koninklijke KPN N.V.), but did not find a person named Paul Hendrikx.

Mr. Hendrikx last confirmed residential address is:

Mambostraat 88
NL 5802 LE-Vaals
Netherlands

On the date of this petition, German counsel for the assignee was provided with a new address, and as part of the ongoing efforts to reach the inventor, the application and inventors declaration were sent to this address:

Honingklaver 117
5803 DE Venray
Netherlands

The facts show that inventor Hendrikx cannot be found or reached after diligent effort. Accordingly, the petition should be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Conclusion

On the basis of these facts and for the foregoing reasons, it is solicited that the U.S. Patent and Trademark Office grant a patent on this application to the inventors making the application, subject to the same rights which the non-signing inventor would have had if he had joined.

Should the Petitions Officer have any question of form or substance, he or she is encouraged to contact the undersigned attorney at the telephone number and address listed below.

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN LLP

By: /Michael Muczynski/ 48,642
Michael Muczynski
Reg. No. 48,642
Attorney for Applicants

November 14, 2006

6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606
(312) 474-6300

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/539,877)
Confirmation : 6327)
Applicants : MEYER et al.)
I.A. Filed : August 12, 2003)
Title: FIRE PROTECTION)
MEANS AND METHOD FOR THE)
PRODUCTION THEREOF)
Art Unit : Not yet assigned)
Examiner : Not yet assigned)
Atty Docket : 30882/SCG5205)
Customer No. : 04743)

STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states as follows:

1. I am employed as a paralegal assistant in the firm Jostarndt Patentanwalts-AG of Aachen, Germany, European patent counsel for Scheuten Glasgroep BV, which holds rights in the above-identified patent application.

2. In my capacity as a paralegal assistant, I assist Dr. Hans-Dieter Jostarndt, a patent agent with the firm in communicating with the assignee, the inventors of the application, and with U.S. patent counsel handling the application (Marshall, Gerstein & Borun LLP, Chicago).

3. I make this statement to provide facts known to me concerning the outstanding signatures by the inventor Mr. Paul Hendrikx on the assignment and the declaration and power of attorney for the above-identified patent application.

4. Mr. Hendrixx is one of seven named co-inventors of the above-identified patent application. The other named co-inventors have executed declarations for patent application for themselves and on behalf of their non-signing co-inventor. Copies of the declarations are submitted herewith Appendix as Appendix A.

5. A complete copy of the above-identified patent application has been sent to Mr. Villari with our letter dated December 8, 2003. As both, Mr. Villari and Mr. Hendrixx were employees of Scheuten Glasgroep at that time the documents were used to be sent to Mr. Villari and he provided Mr. Hendrixx with a copy of the patent application. Along with this copy the declaration of inventor and the EPO Form 1003 (Authorization) for filing during the international stage were attached as well. Both forms were sent back to our office signed by Mr. Hendrixx. See attached as Appendix B.

6. The documents provided by the office of Marshall, Gerstein & Borun LLP, were forwarded to Mr. Villari as the patent manager of Scheuten Glasgroep trying to obtain the signatures of all inventors. But because Mr. Hendrixx had left the Scheuten Glasgroep Mr. Villari was not able to obtain the signatures of Mr. Hendrixx. Therefore we sent the documents to Mr. Hendrixx last known address to Mambostraat 88, NL-5802 LE Vaals.

7. The letter came back with the comment: "Niet afgehaald" = "Not picked up." See attached copy of the envelope, Appendix C. Then we sent the letter to the following address: Mambostraat 88, NL-5802 LE Venray. This letter also came back. See attached copy of the envelope with the comment: "onbewoond" = "uninhabited," Appendix C. We performed an Internet search, data base of "KPN" but couldn't find a person named Paul Hendrixx. See attached appendix D.

8. Mr. Hendrikx last confirmed residential address is:

Mambostraat 88
NL 5802 LE-Vaals
Netherlands

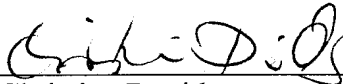
On today's date, November 14, 2006 we were told by a friend of Mr. Hendrikx that this his new address is:

Honingklaver 117
5803 DE Venray
Netherlands

We have also sent the application and inventor's declaration to this address today.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 14.11.2006
Aachen, Germany


Christine Davids
Jostarndt Patentawalts AG

Appendix A
to Statement of Facts Under 37 C.F.R. § 1.47(a)
by Christine Davids

13/11 2006 MON 15:45 FAX 021193889922 GTW Rechtsanwalt

014/016

AC 006 5205 FEB - WD - U - Atty. Docket No. 30982/SCG5205

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF," the specification of which was filed on December 8, 2003, as International Application No. PCT/EP2003/014029 (U.S. Serial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application for patent or inventor's certificate or of any international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application of which priority is claimed:

Priority Claimed

02028400.6
(Application Serial Number)

EP
(Country)

18 December 2002
(Day/Month/Year Filed)

☒ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application listed below:

(Application Serial Number)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application or international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or international filing date of this application:

(Application Serial Number)

(Day/Month/Year Filed)

(Status-Patented, Pending or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

13/11 2006 MON 15:46 FAX 021193889922 GTW Rechtsanwaltel

015/016

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

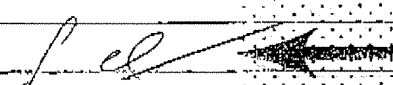
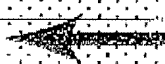


FIRM NAME
Marshall, Gerstein & Borun LLP

PHONE NO.
312-474-6300

STREET
6300 Sears Tower
233 South Wacker Drive


CITY & STATE
Chicago, Illinois


ZIP CODE
60606-6357


Full Name of First or Sole Inventor Gerhard Meyer	Citizenship Germany
Residence Address - Street Alte Delogstrasse 26	Post Office Address - Street Alte Delogstrasse 26
City (Zip) 46483 Wesel	City (Zip) 46483 Wesel
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 03.11.06	Signature <input checked="" type="checkbox"/> 
Second Joint Inventor, if any Valentino Villari	Citizenship Germany
Residence Address - Street Kaldenkirchener Str. 39	Post Office Address - Street Kaldenkirchener Str. 39
City (Zip) 41063 Moenchengladbach	City (Zip) 41063 Moenchengladbach
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/> 
Third Joint Inventor, if any Tobias Roth	Citizenship Germany
Residence Address - Street Parkweg 22	Post Office Address - Street Parkweg 22
City (Zip) 45768 Marl	City (Zip) 45768 Marl
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/> 
Fourth Joint Inventor, if any Nikolas Wirth	Citizenship Germany
Residence Address - Street Forststiege 3	Post Office Address - Street Forststiege 3
City (Zip) 48249 Dülmen	City (Zip) 48249 Dülmen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/> 

13/11 2006 MON 15:47 FAX 021193889922 GTW Rechtsanwalt

016/016

Fifth Joint Inventor, if any Christian Puettmann	Citizenship Germany
Residence Address - Street Auf der Plage 3b	Post Office Address - Street Auf der Plage 3b
City (Zip) 48249 Dülmen	City (Zip) 48249 Dülmen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature 

Sixth Joint Inventor, if any Thomas Ferner	Citizenship Germany
Residence Address - Street Schlossstrasse 139	Post Office Address - Street Schlossstrasse 139
City (Zip) 46535 Dinslaken	City (Zip) 46535 Dinslaken
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature 

Seventh Joint Inventor, if any Paul Hendriks	Citizenship Germany
Residence Address - Street Marnbostraat 88	Post Office Address - Street Marnbostraat 88
City (Zip) NL-5802 LE Venray	City (Zip) NL-5802 LE Venray
State or Country The Netherlands	State or Country The Netherlands
Date <input checked="" type="checkbox"/>	Signature 

Atty. Docket No. 30882/SCG5205

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF," the specification of which was filed on December 8, 2003, as International Application No. PCT/EP2003/014029 (U.S. Serial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

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(Application Serial Number)

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18 December 2002
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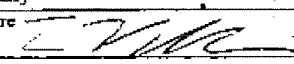


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

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, Gerstein & Borun LLP	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6357

Full Name of First or Sole Inventor Gerhard Meyer	Citizenship Germany
Residence Address - Street Alte Delogstrasse 26	Post Office Address - Street Alte Delogstrasse 26
City (Zip) 46483 Wesel	City (Zip) 46483 Wesel
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Date <input checked="" type="checkbox"/> 2006-05-21	Signature <input checked="" type="checkbox"/> J. Roth

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City (Zip) NL-5802 LE Venray	City (Zip) NL-5802 LE Venray
State or Country The Netherlands	State or Country The Netherlands
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application

believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller



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Full Name of First or Sole Inventor Gerhard Meyer	Citizenship Germany
Residence Address - Street Alte Delogstrasse 26	Post Office Address - Street Alte Delogstrasse 26
City (Zip) 46483 Wesel	City (Zip) 46483 Wesel
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>
Second Joint Inventor, if any Valentino Villari	Citizenship Germany
Residence Address - Street Kaldenkirchener Str. 39	Post Office Address - Street Kaldenkirchener Str. 39
City (Zip) 41063 Moenchengladbach	City (Zip) 41063 Moenchengladbach
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>
Third Joint Inventor, if any Tobias Roth	Citizenship Germany
Residence Address - Street Parkweg 22	Post Office Address - Street Parkweg 22
City (Zip) 45768 Marl	City (Zip) 45768 Marl
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>
Fourth Joint Inventor, if any Nikolas Wirth	Citizenship Germany
Residence Address - Street Forststiege 3	Post Office Address - Street Forststiege 3
City (Zip) 48249 Duelmen	City (Zip) 48249 Duelmen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/> 24. Juli 2006	Signature <input checked="" type="checkbox"/> N. Wirth



Fifth Joint Inventor, if any Christian Puettmann	Citizenship Germany
Residence Address - Street Auf der Flage 3b	Post Office Address - Street Auf der Flage 3b
City (Zip) 48249 Duelmen	City (Zip) 48249 Duelmen
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Sixth Joint Inventor, if any Thomas Fenner	Citizenship Germany
Residence Address - Street Schlossstrasse 139	Post Office Address - Street Schlossstrasse 139
City (Zip) 46535 Dinslaken	City (Zip) 46535 Dinslaken
State or Country Germany	State or Country Germany
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Seventh Joint Inventor, if any Paul Hendriks	Citizenship Germany
Residence Address - Street Mambostraat 88	Post Office Address - Street Mambostraat 88
City (Zip) NL-5802 LE Venray	City (Zip) NL-5802 LE Venray
State or Country The Netherlands	State or Country The Netherlands
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application

believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Declaration and Power of Attorney for Patent Application

Erklärung für Patentanmeldungen mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

Fire Protection Means and Method for the Production Thereof

deren Beschreibung hier beigefügt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

☒ wurde angemeldet am December 8, 2003
unter der US-Anmeldenummer oder unter der
Internationalen Anmeldenummer im Rahmen des Vertrags
über die Zusammenarbeit auf dem Gebiet des Patentwesens
(PCT)

PCT/EP2003/014029 und am
June 15, 2005 abgeändert (falls
zutreffend).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 8, 2003
as United States Application Number or
PCT International Application Number

PCT/EP2003/014029 and was amended on
June 15, 2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

German Language Declaration

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

Prior Foreign Application(s)
(Frühere ausländische Anmeldungen)

Priority Not Claimed
Priorität nicht beansprucht

02028400.6
(Number)
(Nummer)

EPO
(Country)
(Land)

18 December 2002
(Day/Month/Year Filed)
(Tag/Monat/Jahr der Anmeldung)

☐

(Number)
(Nummer)

(Country)
(Land)

(Day/Month/Year Filed)
(Tag/Monat/Jahr der Anmeldung)

☐

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

Ich beanspruche hiermit die mir unter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

(Status) (patented, pending, abandoned)
(Status) (patentiert, schwebend, aufgegeben)

(Application No.)
(Aktenzeichen)

(Filing Date)
(Anmeldetag)

(Status) (patented, pending, abandoned)
(Status) (patentiert, schwebend, aufgegeben)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

CP

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German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: *(Name(n) und Registrationsnummer(n) auflisten)*

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: *(list name and registration number)*.

James P. Zeller, 28,491

Postanschrift:

Address associated with Customer Number 04743

James P. Zeller, 28,491

Send Correspondence to:

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James P. Zeiler (312) 474-6803

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James P. Zeller (312) 474-6803

Direct Telephone Calls to: *(name and telephone number)*

Vor- und Zuname des einzigen oder ersten Erfinders Gerhard Meyer	Full name of sole or first inventor Gerhard Meyer
Unterschrift des Erfinders Datum	Inventor's signature Date
Wohnsitz Wesel, Germany	Residence Wesel, Germany
Staatsangehörigkeit Germany	Citizenship Germany
Postanschrift Alte Delogstrasse 26 46483 Wesel GERMANY	Post Office Address Alte Delogstrasse 26 46483 Wesel GERMANY

Vor- und Zuname des zweiten Miterfinders (falls zutreffend) Valentino Villari	Full name of second joint inventor, if any Valentino Villari
Unterschrift des zweiten Erfinders Datum	Second inventor's signature Date
Wohnsitz Moenchengladbach, Germany	Residence Moenchengladbach, Germany
Staatsangehörigkeit Germany	Citizenship Germany
Postanschrift Kaldenkirchener Str. 39 41063 Moenchengladbach GERMANY	Post Office Address Kaldenkirchener Str. 39 41063 Moenchengladbach GERMANY

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Tobias Roth		Full name of third joint inventor, if any Tobias Roth	
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Staatsangehörigkeit Germany		Citizenship Germany	
Postanschrift Parkweg 22 45768 Marl GERMANY		Post Office Address Parkweg 22 45768 Marl GERMANY	

Nikolas Wirth		Full name of fourth joint inventor, if any Nikolas Wirth	
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Staatsangehörigkeit Germany		Citizenship Germany	
Postanschrift Forststiege 3 48249 Deulmen GERMANY		Post Office Address Forststiege 3 48249 Deulmen GERMANY	

Christian Puettmann		Full name of fifth joint inventor, if any Christian Puettmann	
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Staatsangehörigkeit Germany		Citizenship Germany	
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Thomas Fenner		Full name of sixth joint inventor, if any Thomas Fenner	
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Staatsangehörigkeit Germany		Citizenship Germany	
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CP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Paul Hendrikx		Full name of seventh joint inventor, if any	
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Staatsangehörigkeit Germany		Citizenship Germany	
Postanschrift Mambostraat 88 NL-5802 LE Venray NETHERLANDS		Post Office Address Mambostraat 88 NL-5802 LE Venray NETHERLANDS	

		Full name of eighth joint inventor, if any	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	

		Full name of ninth joint inventor, if any	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	

		Full name of tenth joint inventor, if any	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	

Appendix B
to Statement of Facts Under 37 C.F.R. § 1.47(a)
by Christine Davids



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VIII-4-1	<p>Erklärung: Erfindererklärung (nur im Hinblick auf die Bestimmung der Vereinigten Staaten von Amerika)</p> <p>Erfindererklärung (Regeln 4.17(iv) und 51bis.1(a)(iv)) nur im Hinblick auf die Bestimmung der Vereinigten Staaten von Amerika:</p>	<p>Ich erkläre hiermit an Eides Statt, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Erfinder angegeben ist) oder Miterfinder (falls nachstehend mehr als ein Erfinder angegeben ist) des beanspruchten Gegenstandes bin, für den ein Patent beantragt wird.</p> <p>Diese Erklärung wird im Hinblick auf die internationale Anmeldung (falls die Erklärung nach der Regel 26ter eingereicht wird).</p> <p>Ich erkläre hiermit an Eides Statt, daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den neben meinem Namen aufgeführten Angaben entsprechen.</p> <p>Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen internationalen Anmeldung, einschließlich ihrer Ansprüche, durchgesehen und verstanden habe. Ich habe im Antragsformular dieser internationalen Anmeldung gemäß PCT Regel 4.10, sämtliche Auslandsanmeldungen angegeben und habe nachstehend unter der Überschrift "Frühere Anmeldungen", unter Angabe, des Aktenzeichens, des Staates oder Mitglieds der Welthandelsorganisation, des Tages, Monats und Jahres der Anmeldung, sämtliche Anmeldungen für ein Patent bzw. eine Erfinderurkunde in einem anderen Staat als den Vereinigten Staaten von Amerika angegeben, einschließlich aller internationalen PCT-Anmeldungen, die wenigstens ein anderes Land als die Vereinigten Staaten von Amerika bestimmen, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.</p>
VIII-4-1 -1	Frühere Anmeldungen:	02028400.6, EP, 08 Dezember 2002 (08.12.2002)

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	<p>Ich erkenne hiermit meine Pflicht zur Offenbarung jeglicher Informationen an, die nach meinem Wissen zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind, einschließlich, im Hinblick auf</p> <p>Teilfortsetzungsanmeldungen, Informationen, die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem internationalen PCT-Anmeldedatum der Teilfortsetzungsanmeldung bekannt geworden sind.</p> <p>Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner, daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Codes strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patenten gefährden können.</p>
--	--


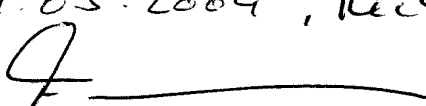

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VIII-4-1 -1-1	Name:	PROFESSOR DR MEYER, Gerhard
VIII-4-1 -1-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Wesel, Deutschland
VIII-4-1 -1-3	Postanschrift:	Alte Delogstrasse 26
VIII-4-1 -1-4	Staatsangehörigkeit	DE
VIII-4-1 -1-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	 20.03.04, Bielefeld
VIII-4-1 -1-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	
VIII-4-1 -2-1	Name:	DR VILLARI, Valentino
VIII-4-1 -2-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Mönchengladbach, Deutschland
VIII-4-1 -2-3	Postanschrift:	Kaldenkirchener Str. 39
VIII-4-1 -2-4	Staatsangehörigkeit	DE
VIII-4-1 -2-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	 20.03.04, Mönchengladbach
VIII-4-1 -2-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	

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VIII-4-1 -3-1	Name:	ROTH, Tobias
VIII-4-1 -3-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Marl, Deutschland
VIII-4-1 -3-3	Postanschrift:	Parkweg 22
VIII-4-1 -3-4	Staatsangehörigkeit	DE
VIII-4-1 -3-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	<i>T. Rth</i>
VIII-4-1 -3-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	<i>29.03.2004</i> <i>Rechtsgutachten</i>
VIII-4-1 -4-1	Name:	WIRTH, Nikolas
VIII-4-1 -4-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Dülmen, Deutschland
VIII-4-1 -4-3	Postanschrift:	Forststiege 3
VIII-4-1 -4-4	Staatsangehörigkeit	DE
VIII-4-1 -4-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	<i>N. Wirth</i>
VIII-4-1 -4-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	<i>29.03.2004</i> <i>Rechtsgutachten</i>

Original (für EINREICHUNG) - gedruckt am 08.12.2003 02:26:04 PM

VIII-4-1 -5-1	Name:	DR PÜTTMANN, Christian
VIII-4-1 -5-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Dülmen, Deutschland
VIII-4-1 -5-3	Postanschrift:	Auf der Flage 3b
VIII-4-1 -5-4	Staatsangehörigkeit	DE
VIII-4-1 -5-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	wird nicht als Erfinder benannt 
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VIII-4-1 -6-1	Name:	FENNER, Thomas
VIII-4-1 -6-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	Dinslaken, Deutschland
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VIII-4-1 -6-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	
VIII-4-1 -7-1	Name:	HENDRIKX, Paul
VIII-4-1 -7-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	LE Venray, Niederlande
VIII-4-1 -7-3	Postanschrift:	Mambostraat 88
VIII-4-1 -7-4	Staatsangehörigkeit	NL
VIII-4-1 -7-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefügt wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	
VIII-4-1 -7-6	Datum: (einer Unterschrift, die nicht im Antrag enthalten ist, oder einer Erklärung, die laut der Regel 26ter nach der Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt wurde)	29-03-04

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Paul Hendrixx
Mambostraat 88 NL-5802 LE Vaals

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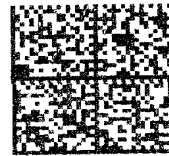
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Appendix C
to Statement of Facts Under 37 C.F.R. § 1.47(a)
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Appendix D
to Statement of Facts Under 37 C.F.R. § 1.47(a)
by Christine Davids

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Sorteer op: A-Z | beste resultaat

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